
Destiny Effects: Militarization, State Power, and Punitive Containment in Kashmir Valley

Haley Duschinski
Ohio University

Abstract

This paper examines the juridico-political logic of exception in Kashmir Valley to demonstrate how Kashmiri civilians have been identified as threats to national order and incarcerated, literally and figuratively, as prisoners of the state. Particular attention is paid to how intensive militarization, authorized through legal provision, produces patterns of impunity that exceed and operate beyond the domain of law. The claim is that triangulations of neo-liberalism, nationalism, and militarism in national security states produce a prevailing condition of punitive containment for marked categories of the population, leading to the sedimentation of inequalities through patterns of social suffering and social death. [Keywords: militarization; war; law; punishment; rights; exception]

Introduction

While war has always been the handmaiden of captivity and imprisonment, what is distinctive in the post-second world war period is the invention of perpetual wars, general wars without end, made on false promises of security and waged against ever shifting spectral enemies, driven by ideologies of order and counter-insurgency and by policies to contain and quarantine the effects of global poverty. Endless war, endless captivity. Permanent war, permanent prisoners of war.

—Avery Gordon (2006)

The post-cold war era has been heralded as the age of triumphant neo-liberalism, marked by global shifts to privatization, deregulation, and free market orientation that are frequently assumed to bring about a more equitable and just world order. These expansions of neoliberal market economies have been tied to the emergence of new forms of inequality, disenfranchisement, and violence, with national security states increasingly using interlinked strategies of militarization and penalization to exercise coercive control over marked segments of their populations. Such techniques of governance may be initially posed through legal provision as states of emergency—temporary and provisional measures for managing an urgent or exceptional problem—but they linger indefinitely as infinite wars, wars without end, with crippling consequences for local people. The political philosopher Giorgio Agamben, in his discussions of sovereignty and the exception, identifies such paradoxical state practices as “legal civil wars” that allow for the elimination of political enemies as well as entire segments of the population that cannot be integrated easily into the political system (2005:2). In this article, I examine the ongoing legal civil war in Kashmir Valley in India in order to demonstrate how the militarization of everyday life allows for the elimination of those segments of the population identified as “threats to national order” and incarcerated, literally and figuratively, as prisoners of the state. These processes of exclusion cast Kashmiris as enemies existing simultaneously inside and outside of the national political community with questionable and suspect loyalties, motivations, and inclinations. The suspension of rights to this marked category of the citizenry is legitimized—legally, politically, and culturally—through the totalizing logic of indefinite warfare that is built upon fear of infiltration and terrorism and supported by the machinery of permanent war.

This analysis builds on recent anthropological examinations of how deeply-entrenched patterns of militarization produce real social suffering for particular local communities while simultaneously being obscured and rendered invisible through popular rhetoric of protecting national security, promoting national interests, and maintaining law and order. Militarization may be defined as “the contradictory and tense social process in which civil society organizes itself for the production of violence” (Geyer 1989:79). As Catherine Lutz (2001) has demonstrated, militarization, which encompasses a range of discursive and material processes through which societies prepare for war, has become pervasive in the lives of contemporary national security states, spinning out through multiple related institutional domains—political, economic, juridical, familial—to intersect with existing social inequalities and cultural tensions, thereby impacting combatants as well as noncombatants who are not otherwise caught up in military endeavors and preparedness routines. These persistent patterns of militarization are predicated on, and justified through, ideological logics of order and disorder, and insurgency and counter-insurgency, that effectively shape the contours of national identity and national history “in ways that glorify and legitimate military action” (Lutz 2002:723). In a recent review article, Hugh Gusterson (2007:165) calls for anthropological examinations of militarism(s) in relation to nationalism, late modern capitalism, media culture, and the state by considering the ways in which these interlinked processes remake communities, public cultures, and individual subjectivities in various local social worlds. Such studies shed light on processes through which national security states differentially structure the socioeconomic conditions of everyday life for various categories of civilian and non-civilian populations, leading to the sedimentation of inequalities through deprivation, dispossession, and death.

Patterns of war emerging in particular local worlds are tied to larger transformations in political-military economies of violence operating on a global scale (Lutz and Nonini 2000:79). The expansion of neoliberal market capitalism since World War II has fed the growth of permanent war economies while also creating large surplus populations that are considered peripheral to the workings of capitalist economies. “State armies, multilateral armed forces (IFOR, the United Nations), private armies, militarized police, and parasitical militias have come to wage a systematic form of ‘low intensity warfare,’ often against stigmatized populations ‘outside the grids’ of global capitalist activity and superfluous to labor,

capital, and consumption markets” (Lutz and Nonini 2000:78). These interlinked processes of neoliberalism and privatization, ethnic and racial discrimination, and jingoism and militarism have led to the proliferation of infinite and indefinite wars that consolidate collectively imagined national communities at the same time that they violently exclude certain categories of people from participation in the life of the nation. As Victoria Sanford argues, national security states are based, not on the outwardly focused defense of national territory, but rather on a national security ideology that “is grounded in the recourse of coercion and has no room for the participation or consent of civil society” (2003:394-395). Through such ideological work, national security states erase the everyday realities of violence and power their shadow zones and sensitive peripheries in the name of national integrity and cohesion and in the interest of wartime profit.

This state practice of carving out differential patterns of citizenship through the waging of perpetual warfare leads to a blurring of boundaries between “crimes of war” and “crimes of peace,” producing a continuum of violence that scales from the routine violence of everyday social spaces, such as emergency rooms, court rooms, prisons, detention centers, and schools, to the spectacular violence of hot zones, such as border clashes, ethnic conflicts, and frontiers in the global war on terror (Scheper-Hughes 2002, 2008). These sites of exclusion and concentration provide for the encapsulation and confinement of those forms of political life that have been stripped of rights, cast into a “zone of social abandonment” (Biehl 2005), and subjected to the brutal violence of the state. Such conceptual tools enable us to move past distinctions between “the exception” and “the rule” and examine patterns of militarization that define forms of social suffering for communities living in various domains of threat and “legitimate” destruction: marginalized peasants cast as indigenous rebels in the Oaxaca and Chiapas regions of contemporary Mexico (Stephen 2000); Latino communities cast as drug runners and illegal immigrants along the US-Mexican border (Nagengast 2002); foreign nationals cast as enemy combatants in US military prisons in the War on Terror (Feldman 2005); Catholic nationalist women cast as paramilitary insurgents in the prisons of Belfast (Aretxaga 1997); Black youth cast as criminals in post-Apartheid South Africa (Comaroff and Comaroff 2006); and Puerto Rican men cast as gang members in the barrios of East Harlem (Bourgois 2002). Comparative ethnographies of the political and juridical

conditions that similarly delimit possibilities of life in these and other heavily militarized zones leads to a better understanding of “how dominant representations of the dangerous, the subversive, the worthless, the marginal, and the unimportant become linked to making particular groups of people susceptible to violence abuses that allow them to be treated with less than human respect and dignity” (Stephen 2000:823).

This article examines the legal and political conditions of militarization in Kashmir Valley and the forms of life that these conditions enable and restrict in the name of national security. The analysis is based on ethnographic research conducted in Kashmir Valley in the summer of 2006 and the winter of 2007 as part of an ongoing research project focusing on the politics of popular protest and resistance within the legal/political parameters of militization in the region, and especially the politically-engaged Kashmiri youths who consider themselves to be members of the so-called “lost generation,” growing up since 1990 in the context of conflict, violence, militarization, suspension, and surveillance. I first sketch the contours of what Mary Kaldor calls “neo-modern militarism” in post-1990s India through reference to the expansion of the neoliberal market economy, the mobilization of nationalist identities and allegiances, and the transformation of Indian military power, especially in the context of the global war on terror. I then examine the special legal provisions that authorize the intensive militarization of Kashmir Valley, considering the ways in which these emergency acts, which are rendered legitimate through rhetorical invocations of order and security, produce state-sponsored disorders and insecurities among those segments of the population identified as threats to the nation. The following two ethnographic sections highlight militarization as everyday practice through reference to a series of state encounters—checkpoints, detentions, surveillance, coercion, harassment, torture—that effectively collapse distinctions between legal and political, criminality and impunity, and civilian and combatant. Throughout this discussion, I examine how these practices of militarization give rise to conditions of permanent punishment and punitive containment, and how these conditions constitute and constrain local forms of life through the production of the power of the state to delimit the life trajectories of members of an entire category of the population and thereby to permit or preclude certain social futures, including the possibility of life itself. The conclusion reflects on the implications of this exercise of state power for the state as a whole. Through close attention to the case of

Kashmir, I hope to contribute to a better understanding of the violent potential of national security states that are situated, as Agamben demonstrates, in a precarious position on “the threshold of indeterminacy between democracy and absolutism” (2005:3).

Political Resistance in Kashmir

Kashmiris refer to their movement for the right to self determination as *tehreek*, an Arabic word adopted into Urdu and Kashmiri languages that signifies the total idea of a continuing struggle with the ultimate goal of freedom and independence, or *azaadi*. The *tehreek* is informed by Kashmiri collective memories of exploitation and oppression by successive alien rulers, including Mughuls, Afghans, Sikhs, and Dogras, through a long history of *zulum* (injustice). For Kashmiris, India’s post-1947 claim to Kashmir is one more phase of occupation and colonization, premised on an instrument of accession that has never been confirmed and a promise of plebiscite that has never been fulfilled. The Kashmiri demand for self determination is not purely about seceding or breaking away from India; it is about throwing off the yoke of foreign oppression that has subjected the indigenous community to *ghulami* (servitude) for centuries.

At the time of Independence and Partition, the princely state of Kashmir exhibited a distinctive mode of regional nationalism that did not fit easily into either the secular nationalist vision of India or the religious nationalist vision of Pakistan (Varshney 1991). Kashmiri political action at the turn of the century coalesced around an indigenous political leadership, with feudal peasants rising up through the early 20th century to fight the oppression of the Hindu Dogra maharaja, culminating in sweeping land reforms, known as land to the tiller, in 1950. This indigenous leadership became sidelined by patterns of Indian governance in Kashmir Valley after the region’s contested accession to India after Partition.

Throughout the subcontinent’s postcolonial history, Indian rule in Kashmir has included militarization, repression, economic deprivation, and indiscriminate violence, including, at various times, the denial of democratic processes, the manipulation of elections, and the jailing of political leaders, most notably Sheikh Abdullah, the “Lion of Kashmir” who dominated regional politics for over thirty years until his death in 1982 (Behera 2000, Bose 2003). Patterns of sustained disenfranchisement and marginalization have entrenched Kashmiri collective feelings of

alienation from the Indian state. Kashmiris today use the language of self determination as a way of demanding an opportunity to express their collective will in relation to their own political future.

The movement against Indian occupation surged in the 1960s through public protests and demonstrations as well as systematic and subversive anti-state violence. The leader of the National Liberation Front, Maqbool Bhatt, was arrested, found guilty of murder of a state official, and sentenced to death in the late 1960s. After escaping from Srinagar jail, he was re-arrested and later hanged, amidst charged political tensions, in Delhi's Tihar Jail in 1984. His remains are still buried beneath Tihar today. Bhatt has become revered in the post-1990 context as the father of the nation and a great martyr, *Shaheed-e-Azam*.

As tensions escalated in the late 1980s, an underground secessionist movement, led by young members of the Jammu and Kashmir Liberation Front (JKLF)—Hamid Sheikh, Ashfaq Majeed Wani, Javed Mir, and Yasin Malik (the HAJY group)—launched an armed struggle for the right to self determination with selected assassinations and lay explosives targeting government buildings and public transport considered symbols of Indian occupation. Filled with revolutionary passion, Kashmiri youth crossed the Line of Control into Pakistan-Administered Kashmir to receive militant training and join the revolution as freedom fighters. In 1989, Kashmiri men and women shuttered their shops and joined massive public demonstrations in Srinagar and other towns in Kashmir Valley in open support for the movement for azaadi.

The nature of the rebellion changed throughout the early nineties with the emergence of more than a hundred different separatist organizations (*tanzeems*) with different agendas and goals. As the ethnonationalist movement factionalized into a contest for domination among these various organizations, the conflict took on an explicitly religious tone, with pro-Pakistan groups, such as Hizbul Mujahideen (HM) and the Islamist Harkat-ul-Ansar, rising to ascendancy and marginalizing the JKLF. The HM established itself as the primary militant organization by 1993, and JFLK leader Yasin Malik unilaterally renounced armed struggle after his release from four years in jail in 1994.

In late January 1990, the United Front administration in New Delhi invoked Article 356 of the Indian Constitution, citing a breakdown in civil order, to dissolve the state electoral body and appoint Jagmohan Malhotra as governor of the state. A known hardliner, Jagmohan sought

to secure the state by strengthening the central government's authority within the state. Since that period, Kashmir Valley has, in effect, been in a state of siege. Civic services have broken down, developmental projects have ceased, public funding has been siphoned off, and local industries have collapsed. These conditions have dramatically impacted the everyday lives of Kashmiri people.

In February 2004, India's former Prime Minister, Atal Bihari Vajpayee, and Pakistan's President, Pervez Musharraf, initiated a "composite dialogue" on all contentious issues between the two countries, including the "core issue" of Kashmir. The peace process has yielded several concrete developments in Kashmir, notably a ceasefire along the Line of Control and a series of confidence building measures designed to ease tensions between the neighboring countries. Despite the ongoing peace process, India has not, as of the time of this writing, moved to repeal the special acts or demilitarize region.

Neo-modern Militarism in India

The states engaged in neo-modern militarism are still under the illusion that they can win militarily. The consequence is either self-imposed limits, as in the case of inter-state war, or exacerbation of 'new wars' as in the case of Kashmir, Chechnya or Palestine, where counter-insurgency merely contributes to the political polarizing process of fear and hate. In other words, the utility of modern military force, the ability to 'compel an opponent to fulfill our will' is open to question nowadays.

—Mary Kaldor (2001)

Since the end of the Cold War, India's national security state has exemplified what Mary Kaldor (2001) calls "neo-modern militarism"—the expansion of armed forces in large and highly rationalized and bureaucratized states that are undergoing a transition from a centralized economy to an open market-oriented system. India's brand of neo-modern militarism is fueled by a combination of corporate rule and power politics that has accompanied the shift to a market economy and the rise of religious and cultural nationalism. Since 1991, the neo-liberalization of institutional infrastructures has included the privatization of public sector industries, the corporatization of the business sector, and the relax-

ation of government intervention in price regulation, and has been bolstered by free trade treaties and institutions such as the IMF, the World Bank, and the WTO. At the same time that the Indian economy has been expanding, Indian society has been becoming increasingly militarized through consistent and significant increases in military expenditures and arms purchases (Bidwai 2005, 2008)—a pattern characteristic of global military expenditure, especially within the context of the post-2001 global war on terror.

Throughout the 1990s, the Indian state strengthened its claim to command over the post-national territory through a popular and divisive nationalist politics, driven by the prominent Hindu majoritarian movement that played on the anxieties of middle and upper class Indians to mobilize popular support for its platforms (Hansen 1999). Tied to neoliberal economic expansion, these extreme ideologies of nationalism and communalism produced violent and long-lasting schisms associated with religious fundamentalisms, hyper-patriotism and xenophobia, ethnic cleansing, patriarchal hierarchies, and caste oppression.¹ In this way, the state was relinquishing its responsibility in socioeconomic matters while simultaneously reinforcing its prerogative in border patrols, population controls, and other security matters. As in other liberal democracies, this “merciless logic of corporate profit-making and political power” was fashioned into “a normal state of affairs,” with devastating consequences for those vulnerable categories of the citizenry rendered invisible on the national and international stage (Said 2001:32).

This triangulation of market expansion, violent nationalism, and jingoistic militarism has played out through a moral performance of national security in Kashmir Valley. Although Kashmiris have articulated their concerns through reference to historical conditions, regional power equations, and ethnic identity politics, Indian nationalist narratives have presented the uprising in nationalist and communalist terms, with Kashmiris posing a threat to the ethno-religious order of the nation. These representations have characterized the resistance movement in Kashmir Valley as a proxy war between India and Pakistan and have emphasized Pakistan’s role in planning, training, and arming Kashmiris to carry out an insurgency that would destabilize the Indian state.² In this way, the rebellion has become framed throughout the public life of the nation as a national security concern, where state violence against the population is legitimized as necessary along the sensitive border zone. In her analysis of

articles appearing in the largest national daily newspapers during a three-month period from 1991-1992, Teresa Joseph (2000) found that the dominant media discourse characterized the situation in Kashmir Valley as a territorial dispute between India and Pakistan, with Pakistan sponsoring cross-border terrorism in Kashmir Valley. These news articles, which were based almost exclusively on government-issued sources and statements, either neglected stories of security excesses completely, or presented them as a propaganda offensive or disinformation campaign launched by Pakistan against the Indian state, with human rights activists and organizations labelled as anti-nationals who were actually or potentially working as paid agents of foreign powers. These dominant media narratives in the 1990s misrecognized state violence against Kashmiris as a national security measure, promoting its acceptance as a familiar and mundane practice in the national security state.

The emergence of new global security landscapes in the 2000s has sustained and exacerbated this pre-existing conflict in Kashmir Valley.³ In many ways, current patterns of militarization in Kashmir Valley exhibit continuities with the 1990s in terms of the discursive formations employed to configure the nation's enemies, the legal procedures used to authorize state action against suspected insurgents, and the political strategies exercised to mobilize public support for counter-insurgency war. However, as India has joined the ranks of nations engaged in a global "war on terror," it has found new validation for its pre-existing emergency legislations, such that its techniques for exercising control over its own citizens have acquired enhanced legitimacy in the new security-centered world order. As Kashmir Valley has been redefined as a frontier in the global war on terror, Kashmiris have been caught up in new ideological schematizations that posit a secret worldwide illegal network of enemies—infiltrators, *jihadis*, sleepers, and fanatics—engaged in a common plot to threaten the welfare and integrity of the nation. In this way, the post-2001 global security scenario, driven by US posturing and the "might of the right" mode of political belligerence, has lent credence to the Indian political establishment's practices of exclusion in Kashmir Valley by rhetorically and conceptually framing them as valid strategies for waging an ill-defined and indefinite anti-terrorist war. In the next section, I consider the specific legal provisions that authorize this war as well as the forms of legal and political impunity that they engender.

The Military Machine

The modern state is as dependent on warzone profits as it is on keeping these dependencies invisible to formal reckoning. Part of its power rests on the optics of deception and focusing attention on the need for violence while drawing attention away from both the war economy foundations of sovereign power and the price in human life that this economy of power entails. —Carolyn Nordstrom (2004)

The parameters of militarization in Jammu and Kashmir are established by a series of emergency provisions, most notably the Armed Forces (Jammu and Kashmir) Special Powers Act (AFSPA) of 1990. In a general sense, the AFSPA is a law in force in various parts of India that the Union government has designated as vaguely-defined “disturbed areas.”⁴ It grants armed forces operating in these areas extraordinary powers, including power to arrest and enter property without warrant and to “fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area” if that officer believes it necessary “for the maintenance of public order.” Originally introduced in 1958 in response to armed political activity in the “disturbed areas” of Assam and Manipur in India’s Northeast, the AFSPA has been challenged by human rights organizations on the grounds that it violates basic rights, most notably the right to life, in international human rights and humanitarian law. A group of civil society organizations in Manipur challenged the constitutional validity of the AFSPA in the early 1980s. When the petitions came up for hearing fifteen years later, the Supreme Court upheld the constitutional validity of the law, ruling that the powers given to the army were not “unreasonable” or “arbitrary.”⁵ Human rights activists in Jammu and Kashmir have identified the AFSPA as a primary point of concern over the past 18 years, with calls for the repeal of the special powers act and the demilitarization of the region constituting the foundation of their legal and political work.

The AFSPA, through the nature of the powers that it confers upon armed forces, establishes conditions of a legal civil war against civilian populations in Kashmir Valley. Whereas individuals suspected of criminal activity are assumed innocent until proven guilty under normal criminal law, individuals in the disturbed areas of Jammu and Kashmir are assumed to have

hostile intent by military personnel. As I have argued elsewhere, the legal and political realities of the AFSPA produce “regimes of impunity” which are part and parcel of the logic of the state of law, even as they run counter to the nature and even possibility of law itself (Duschinski in press). Given the wide parameters for state violence established by the AFSPA, security force personnel that have engaged in extra-judicial killing often do not need to mask their work with legal fictions, because actions that may otherwise be considered human rights violations are “uses” rather than “abuses” of the AFSPA (Akoijam 2005:488).⁶ For those actions that do fall outside of the letter of the law, the AFSPA includes a provision that establishes the legal conditions for impunity by requiring state authorities to secure prior approval from the central government for civilian prosecution of military personnel acting in the disturbed area: “No prosecution, suit, or other legal proceedings shall be instituted, except with previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this act.” This provision has largely precluded the possibility of holding military and paramilitary personnel accountable for violations including rape, torture, and custodial killing.

By law, when the AFSPA is invoked in a disturbed area, military and paramilitary forces are constitutionally obligated to operate in aid of civil administration to restore public order, such that all actions of the armed forces must contribute to strengthening state authorities. The armed forces may have special powers to search, arrest, seize property, and kill, but the civil administration, governed by the Constitution, the Criminal Procedure Code, and other statutory laws, maintains primary jurisdiction in the governance of the disturbed area. In practice, however, the intensive militarization authorized by the AFSPA dominates the administration of everyday life in the state. One Kashmiri human rights lawyer explained how the armed forces have supplanted civil administration to exercise a form of martial law:

The special powers acts are draconian laws. Security forces even at the lowest rank of constable can search your house, shoot a person, destroy property, and they don't file any action. They are controlling civilian activity, domestic activity. It is army rule. Nothing is in hands of people or representatives of people. Law enforcement agencies are collaborators. They are not independent. It is a military machine. (Aijaz 2006)

Through the AFSPA, military values and ethos have become dominant throughout various institutions and structures of the state, including law enforcement, judicial process, and civil society. This produces a blurring of boundaries between police and soldiers, combatants and noncombatants, enemies within and enemies without, and civilians and militants. Critical analyses of these workings of militarization highlight the problems associated with dominant representations that frame Kashmir Valley as a site of insurgency/counter-insurgency conflict in which security forces battle militants and infiltrators and civilian casualties constitute “collateral damage” necessary for the maintenance of law and order. By contrast, Kashmir Valley emerges as what Carolyn Nordstrom (2004) calls a “shadow zone,” a place existing as part the formal state but also excluded from it, such that everyday forms of violence, and the legal and extralegal networks that support them, are caught up in layers upon layers of invisibility.

Identity Encounters

Enemy recognition is always a performative procedure, which, in contrast to deceptive appearances, brings to light/constructs the enemy's true face.
—Slavoj Žižek (2002)

Over the past nineteen years that it has been in effect in regions of Jammu and Kashmir, the AFSPA has sanctioned the presence of more than half a million armed security personnel who carry out actions against the civilian population with *de facto* and *de jure* impunity. The high ratio of troops to civilians makes Kashmir Valley one of the most heavily militarized areas in the entire world. The various military and paramilitary units stationed in the region—most notably the Border Security Force (BSF), the Central Reserve Police Force (CRPF), and the elite Rashtriya Rifles (RR)—work in conjunction with special counter-terrorism task forces of the state police such as the Special Task Force (STF) and the Special Operations Group (SOG) that operate in a semi-secret capacity outside of the law. The saturation tactics of these armed forces include checkpoints, surveillance, cordon and search operations, human shields, prison detention, and torture. The landscape of Kashmir Valley is mapped by official and unofficial stations of state violence: cantonments, barracks, joint interrogation centers, lock ups, and detention facilities. Kashmiris live in a state of constant fear of

arbitrary arrests, enforced disappearances, sexual harassment, torture, and custodial deaths.⁷ Given the sweeping powers afforded to security forces through the special acts, Kashmiris refer to their homeland, not as a “disturbed area,” but as an “occupied zone,” a bunkered territory, a garrisoned state. Hamza, a Kashmiri university student, referred to Kashmir as a “beautiful prison,” saying, “The gist of the story? We are here to suffer. Happiness is a dream.” Under the AFSPA, Kashmiris have become permanent prisoners of the state, subjected to measures of surveillance and quarantine that have become a normal state of affairs.

Encounters with military and paramilitary forces are pervasive features of everyday life in Kashmir Valley. These encounters typically involve identity cards or I-cards, which can be any variety of laminated documents presenting an individual’s name, locality and occupation, and thumbnail picture, validated with the official emblem of the Government of India. Kashmiris are required to carry these I-cards with them when traveling in public, and they are subject to interrogation and search at any time. These constant identity encounters have the effect of reproducing vulnerability, alienation, and powerlessness among the resident population, as these quotations from different individuals illustrate.

They can stop us anywhere, at any time, and ask us to show our identity cards. Any Kashmiri caught on the street without an identity card is in serious trouble. I always, always make sure that I have my identity card with me. I may leave the house with no gas in my car, no shirt on my body, but I must have my identity card. It’s been this way since I was thirteen years old. It’s humiliating. The occupation is physical, but it is also psychological. They monitor every aspect of our lives. We are always being watched—on the streets, in the schools, in our own neighborhoods, even in our own homes. They control every aspect of our lives. They are very effective at this psychological occupation. (Irfan 2006)

The military buildup is there. There are eight lakh soldiers. The psychological violence is there also. In my area, the CRPF is adjacent to my house. I have to seek permission to enter my own house. They place these guys in residential areas. And there are molestations, teasing women, etcetera. They guys are far from their homes. Our social fabric is ruthlessly tormented. (Waqar 2006)

It's a certain kind of psychological occupation, the psychology of checkpoints. Kashmiris are very resentful because this is their home, this is my home, this is my neighborhood, and now the Indian soldiers are there, Biharis, stopping them and asking them for identity cards. Who are you to come into my home, to come into my neighborhood, when I am walking only just a few blocks from school to home? (Umar 2008)

A few nights ago I was walking home from my sister's house in another neighborhood. I was stopped at a checkpoint and they said, show us your identity card. They said, where have you been? I said, I have been in that neighborhood, and they said, why? I said, what do you mean why? What do you want to know? I was at my sister's house for dinner, this kind of thing. This is enough kind of thing for people to get very upset about. It's not the biggest thing, it's just an everyday thing, but this alone is something regular that people are angry about, should be angry about. (Mudasir 2008)

The pervasive presence of Indian security forces in every aspect of life produces a collective experience of being under siege, subjected to a military occupation of home and homeland. For Kashmiris, Indian soldiers from the heartland of northern India, states such as Bihar and Uttar Pradesh, represent the axiomatically natural citizens that constitute the mainstream of modern Indian political communities. These daily routines of identity verification, and the threats of violence that they carry, constitute a continually repeated demand for proof of loyalty, a (re)inscription of the permanent and indelible stain of difference and potential threat that defines Kashmiris as living “under the sign of the question mark” (Pandey 2006:103).⁸ Such state encounters serve as a constant reminder that their affiliations and loyalties are suspect, that they are aliens in their own homes, and that their rights as Indian citizens cannot be taken for granted. The continual recognition of Kashmiris as enemies produces and reproduces their unstable and ultimately untenable status as a category of people who are legally defined as outside the reach of the law.

Identity encounters, like the forms of power that enable them, constrain Kashmiris in a state of suspension that characterizes life in the margins of the state (Das and Poole 2004). Writing on formations of justice available to Peruvian peasant communities, Deborah Poole (2004)

argues that state demands for identity cards reveal the tenuous and illegible relationship between state rule and the sanctity of law. “Within these uncertain geographies,” she writes, “where a lack of documents was the most common reason for detention and where documents were often willfully misread, a personal identity card was simultaneously a peasant’s only guarantee and his source of greatest vulnerability to the arbitrary power of the state” (Poole 2004:36). This demand for identification that opens possibilities of sanction and prohibition, even life and death, is the moment at which state power is practiced and state subjecthood is formed. Building on Poole’s argument in reference to the militarized West Bank, Tobias Kelly (2006) describes how the process of identity verification produces “documented lives,” particular forms of Palestinian subjectivity marked by anxiety, uncertainty, and fear. He notes that identity documents constitute unstable and unpredictable techniques of governance. “On the one hand, they held out the possibility of obscuring other aspects of their personhood, and allowing their holders to pass through checkpoints, with all that meant in terms of access to resources. On the other hand, the meaning and implications of particular documents were never stable and consistent, and their use meant handing over your fate to the unpredictable whims of an Israeli soldier” (Kelly 2006:102). Like Palestinians, Kashmiris carry the knowledge, gained through the grim realities of everyday life under the authority of the special acts, that they lead documented lives, and that their legal identities, the official records of their existence, can be erased in a moment without complication or consequence. This produces a destiny effect through which state agents emerge as arbiters of fates and determiners of futures.

In February 2008, Javed, a journalist in Srinagar, told me a story that demonstrates this destiny effect. The story deals with his effort to investigate a case of rape committed by security forces. The narrative thread of the story presents a series of confrontations with powerful state agents, with each encounter hovering between a threat and a guarantee. The story also reveals the way in which identity encounters operate as a silencing strategy to ensure impunity for human rights abuses.

It was a horrible situation, horrible. I am not saying that I condone any form of rape, but this was an eight year old child. It was especially horrible. I worked hard, got the details on the phone. The TV

network reported the story on air. It was the last roll of the day. The reporter who had the story was a junior reporter who did not understand how these things work. And the story aired. Then I had to do a follow up packet. The next morning, at 6:45 am, I started getting calls from the information division. They were asking me, are you going to this place? I kept telling them, I don't know if I am going. Then I got on the road.

This was about 100 km from Srinagar. I was approaching, and from 10-12 kilometers I could see a camp of army men stopped on the side of the road. They stopped my car. They said, we found an IED. I waited one hour, and then I said, hey, why is this taking so long? Two and a half hours. The major finally said, we have instructions not to let media guys through [to the rape scene]. I said, then I'll go the back side through the jungle. There were 50 people—captains, majors. I thought it must be a bigger story. Then the major told me, we have a specific order not to let TV guys in. I fought with him, I said you are an honest guy, and you know that we have to go in. And he said, then you can go, I have taken responsibility for you.

My camera guy and I moved into the area. We could see only two more cameras—one was on me, and the other was on him. We finished the story. The details of the story were awful. The major said to us, come for tea with me. [When Javed mentioned the major here, he identified him by name to the others sitting at our table—a photographer, a professor, and a lawyer—who nodded with recognition. As an aside, he said to me, “you see, we come to know these people over so much time, and we create relationships with them too.”] I said, absolutely not. He said, I will touch your feet not to say certain things about this story. I did not want...but then, ok, I thought, only on this one point. The story that the woman told was very graphic, and some of those graphic things were not in the story.

I left that place. On the road another convoy was coming towards my car. They stopped me—my car had a press card on it. I was stopped at a stretch of the road where there was no mobile access. They were angry. They said, why didn't you stop over there on that side of the road? I said, if I stopped there you would think there was a gun, etc., in the car. They said, do not show this attitude. They asked for my identity card. I showed them my identity card. He took my I-card and placed it here [he gestured as if he were placing his

identity card inside the collar of his shirt]. *He said, now you can be anyone. I just stood there. I can't do anything. After some time they let me go; they said, we have warned you to change your attitude.*

Throughout the story, Javed struggles to navigate the tense and uncertain landscape mapped by encounters with state agents, in which each moment of contact—the telephone calls from the information division, the blockade on the road, the camera documentation of his movements, the appeal from the major, the identity check on the road home—carries a promise of access but also a threat of imprisonment, punishment, and death. Identity encounters are, in this narrative, machines for the production of impunity, operating in a domain of everyday life located simultaneously inside and outside of the legal field. This fear-inducing tendency of the law to double over onto itself through the state of exception emerges most clearly in the final encounter, in which the soldier through his actions and his words—as he tells Javid, “now you can be anyone”—demonstrates the stark violence of the threat, and the ability of state power (under conditions established by legal decree) to strip him of his identity and to override, or move wholly outside of, the law. Javed’s destiny is configured in the field of state power, without reference to the domain of legal justice or human rights.

Destiny Effects

If torture is unimaginable in unmediated form, unrepresentable for what it is, its representation must be fit into existing, acceptable discourses: patriotism, retaliation for real or imagined past injustices, separatism, terrorism, communism, subversion, anarchy, the need to reserve the state's territorial integrity, the need to protect the nation from subversion through ethnic cleansing, the fight against crime, the war on drugs.

—Carol Nagengast (2002)

Militarization operating through capillaries of power blurs the boundaries between military and civilian activities and institutions, producing patterns of impunity for state violence. The AFSPA gives the armed forces special power to kill, but it does not give arbitrary power to kill. The language of the act suggests a distinction between individuals who are acting “in contravention of law and order” and those who, in the judgment of the officer who is

making the decision in the moment, are not. In recognition of this distinction, mechanisms of scrutiny exist to ensure that state agents are acting in accordance with the special act. By law, allegations of custodial deaths and extra-judicial killings must be investigated by police or magisterial inquiries.⁹ In reality, such inquiries are difficult, if not impossible, given the limited power of the civil administration in such matters. The criteria used to determine when inquiries will occur is subjective and discretionary, such that inquiries are pursued in an unstable and unpredictable manner. When inquiries do take place, the accused units often do not file a reply before the high court or participate in the inquiry proceedings. If the state government does complete an inquiry, it must request, in accordance with the provisions of the AFSPA, a grant of sanction from the central government to prosecute officers and/or members of the security forces who have been charged with penal offenses. The central government has rarely, if ever, granted permission for such civilian prosecutions to take place.¹⁰ In this way, the legal and political realities of military rule ultimately subvert possibilities for judicial redress and thereby compromise the rule of law itself. This paradoxical situation recently became even more complicated as the Supreme Court enshrined the impunity of the AFSPA into written law through its judgment in the Masooda Parveen case (2007) that security force personnel could not be prosecuted for committing a custodial killing because the individual who had been killed in army custody was (allegedly) a militant.¹¹

The militarization of the judiciary is a point of deep and sustained frustration for human rights lawyers seeking to advocate on behalf of Kashmiris who have been subjected to state violence. Aisha received legal training at Kashmir University and now works with a Kashmir-based legal team on human rights issues. When I talked to her in February 2008, she was just returning from spending a month outside of Kashmir Valley, working on a series of cases in Delhi and Jammu. She was particularly disturbed by the case she had been arguing in front of the court in Delhi. The security guards had picked up a boy in Srinagar, she told me, and jailed him under a special preventative detention law. The boy was in tenth class, and was picked up while walking down the road to visit his tutor. The security forces had no evidence against him—no evidence was found on his person or in his possession—and they were not able to associate him with any specific event or crime. She spoke about his case with anger and deep disappointment. “The judiciary,” she said, “is not ready to listen. They are supposed to be independent! But they feel that if they decide against the state then they will be

passed over for promotions.” On another occasion, Zainab, a law student who volunteers for a human rights organization, described the way in which the militarization of the judicial system has the effect of trapping Kashmiris in an impossible situation. “Kashmiris have nowhere to go,” she emphasized to me. “The judiciary is not even there.”

Through its intensive militarization of Kashmiri society, India administers Kashmir Valley through a form of civil military authoritarianism that calls to mind the necropolitical arrangements that define life and death (Mbembe 2003) in other spatially defined militarized zones such as Belfast, the West Bank, the Basque region, and Chiapas, as well as late-modern total institutions such as mental asylums, war prisons, and refugee camps that warehouse vulnerable categories of people who do not belong. Kashmir Valley exists as a totalizing space of occupation and quarantine in which captives are subjected to sovereign power through techniques of intensive surveillance and coercive control. In this sense, punitive containment has emerged as the constitutive condition of social and juridical being in Kashmir Valley. Behzad, a human rights lawyer who had himself spent a considerable number of years in jail prior to his release in the early 2000s, told me a story that reflects this process:

In Baramulla/Handwara, these SP [Special Police] officers captured and tortured a girl. She was held in Jammu jail. I saw her—her tooth was broken. She was there for 4 or 5 days. [His lawyer’s group] filed a PIL [Public Interest Litigation] and went to visit her in the jail. The Jammu superintendent was very intimidating. We spoke directly to her and asked her, what do you want? She said, I want money, and to try to shift to the Srinagar jail to be held with common people, common criminals. She was in Class XII, very young. So, we had a petition filed. She was produced in high court and released, and then she was handed over to her father, then and there. Then, two weeks later, she was picked up, and tortured for three days, and killed. It got one column in the news: [this girl] died. It was a strong message from security agencies. The case was never followed, never investigated. We only knew what happened from her father’s statement. And this was discussed in our [lawyer’s] group. After that incident, we decided that it is better to keep them inside and try to save them, rather than get them out. It is better to maintain records, and give background stories. Now she is gone. And who will tell her story?

In Behzad's story, the young girl seems predestined to move along a perpetual loop between the prison and the streets, until she dies, prematurely and alone. The girl's death is predictable, even banal, for, as Brackette Williams writes in reference to another category of civilly disabled people, Kashmiris are "already born dead," destined for a life of captivity and negation in their occupied homeland, and fated for a senseless death, with nowhere to go, and no one to tell their stories after they are gone. Dominant ideologies of national identity and national security casts them as worthless people leading disposable lives and dying meaningless deaths in the interest of consolidating corporate profits and state power. Through the regimes of impunity established by the special acts, Kashmiris have become permanent prisoners of the state, subjected in their everyday lives to exceptional brutality and punishment that have become the normal state of affairs, with little agency to determine their own destinies and futures.

Conclusion: A War Against the People

The right of the Sovereign now presents itself as the counterpart of a power that exerts a positive influence on life, that endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations. Wars are no longer waged in the name of the sovereign who must be defended; they are waged on behalf of the existence of everyone.

—Michel Foucault (1976)

The Indian state administers Kashmir Valley in a carceral capacity, with Kashmiris cast in a state of permanent captivity that constrains their choices and delimits their destinies. Through the special acts designed to "protect" the homeland, India has dealt with the complicated sociopolitical situation in Kashmir Valley in a military manner as a war. It is, of course, very difficult to "win" this kind of war, so it lingers indefinitely as a war that cannot be won. Aijaz described this as a "war against the people":

Wars cannot be a war against the people. They can only be a fight against an army, a state. A state cannot fight a war against the people. This is doomed to fail. Wars against people produce nothing. I see the war here as similar. It is India's war against the people. As a Kashmiri citizen, I face the reality of never having the resources to

match my opponent. Even if there is parity, then the stark reality is that it is a struggle to breathe. But there is no choice.

The realities of war leave Kashmiris with no real choices. Simply being Kashmiri—living under conditions of permanent captivity, existing in a state of social abandonment, struggling day after day to breathe—is itself framed as an act of resistance, presented as evidence or proof of terror. In this war against the people, Kashmiris by virtue of their existence are transformed into terrorists, enemies of the state excluded from the political arena. Kashmiris are criminalized, but not in the traditional sense; they are not lawful criminals, but unlawful criminals, alien populations stripped of basic human rights because of their collective identity as Kashmiris. Like other legal statutes designed to create states of emergency, the special powers act produces a certain social and human type, categories of people who may be maimed, tortured, raped, or killed with no legal or political consequence. The totalizing logic of collective responsibility and punishment means that every Kashmiri is a political enemy, one whose life can be taken with impunity, and whose death has no political consequence, legal sanction, or sacrificial value.

This instance of exception reveals a fundamental paradox of popular sovereignty, as the suspension of rights to the “enemy within” is justified through reference to the greater common good of rights-bearing citizens. This presents an impossible situation in which armed forces operating under the special act are exercising violence in the name of the sovereign people whom they kill. In this sense, “the right to life” is necessarily denied at the moment of its invocation, as those categories of the citizenry that are identified as the enemy, those who have been stripped of their rights, are themselves part of the rights-bearing political body (Suresh 2007). This stark reality of popular sovereignty, in India as well as other national security states driven by interlinked processes of corporate rule and power politics, must be masked through ideological discourses of patriotism, infiltration, separatism, territorial integrity, and declared wars on crime, drugs, and terror. Such frameworks obscure state violence, making it palatable, even desirable, to society at large.

This analysis of the Indian state’s production of a highly militarized site of punitive containment through the legal suspension of the juridical order must be considered within the context of the consistent set of exclusions and exceptions that characterize late modern national securi-

ty regimes. In a recent article, Avery Gordon (2006:52) argues that permanent war and permanent abandonment have become increasingly routine means by which national security states relegate potentially angry, rebellious, and demanding populations “to a remote and closed place where they are civilly disabled and socially dead.” Citing Ruth Wilson Gilmore’s definition of abandonment as the “rigorously coordinated and organized setting aside of people and resources,” Gordon argues that the political economy of the national security state is fundamentally focused on the permanent abandonment of certain “captive populations” that are indelibly marked as threats to the neoliberal order. Approached as similarly-constituted social facts, militarization and penalization work hand in hand to produce patterns of captivity in which a particular society’s “rubbish people”—those not fully human and better off dead—are subjected to the waste disposal strategies of control and surveillance in what Loic Wacquant (2008) has termed “concentration camps for the dispossessed”: the super-max prison, the interrogation facility, the war prison, the refugee camp.

These similarly constituted logics of punitive containment that produce real patterns of social abandonment and social death not only have consequence for communities targeted as enemies of the state; it impacts all members of the society by drawing the entire political body of rights-bearing citizens into the field of state violence. The liberal discourse of “the right to life” that constitutes the foundation of the rule of law privileges the same notion of justice that is mutually imbricated with the violence that resides quietly, almost furtively, at the heart of the national security state. After all, states seeking to protect the integrity of their national borders through military violence against resistance movements, secessionist factions, and political rebellions use this same concept of rights to distinguish between those lives that are worthless, expendable, and disposable, and those that are worth living. This is how empires, through the militarization of all domains of social life, imprison, not only the bludgeoned and brutalized peoples occupying the margins of state life, but all state subjects, and state rulers as well. Lifting the veils of coercion and consent and persuasion that mask this reality from society at large to reveal the stark violence of the state may seem to leave few options for citizens concerned about acts of dehumanization perpetrated in their names, but it is also necessary, for it opens up space for the work of collective imagination, prompting dreams of

escape from this all-encompassing carceral condition, produced by weaponry as well as persuasion, that constitutes “the imprisonment of absolute power” (Ghosh 2005:31).

ACKNOWLEDGEMENTS

The author would like to thank Nika Kabiri, discussant on a panel entitled “Temporality and Changing Perceptions of Crime in the World” at the 2008 Annual Meeting of the Social Science History Association in Miami, and Cynthia Mahmood and Mayfair Yang, discussants on a panel entitled “Impunity, Complicity, and the Exception” at the 2009 Annual Meeting of the Association for Asian Studies in Chicago, as well as anonymous reviewers and editorial staff of *Anthropological Quarterly* for very useful comments on previous versions of this article. Michelle Brown and Bruce Hoffman influenced this paper by providing critical insights into culture, punishment, and the carceral capacity of the late modern state. The research on which this article is based was supported by a grant from the Ohio University Research Committee.

NOTE ON SOURCES

All names have been changed in this article to protect the identities of individuals.

ENDNOTES

¹Ethnographic case studies of Hindu nationalism include Shubh Mathur’s analysis of the cultural meanings of the Hindu right in Rajasthan (2008) and Angana Chatterji’s analysis of Hindu cultural dominance and national mobilization in Orissa (2004).

²Governor Jagmohan presents this perspective in his book *My Frozen Turbulence in Kashmir* (1991). In a chapter entitled, “Nature and Pattern of Subversion and Terrorism: Connivance, Collusion, Conspiracies,” he extensively describes Pakistani influence in Kashmir, focusing on General Zia-ul-Haq’s Operation TOPAC (Jagmohan 1991:372-413). See also Human Rights Watch (2006:21).

³Neil Hicks (2005) describes how this has happened in many contexts throughout the world.

⁴As Human Rights Watch (2006) points out, Indian law offers no clear definition of what constitutes a “dangerous or disturbed condition.” Instead, government officials establish this designation at their discretion, which is not subject to judicial review.

⁵The Public Commission on Human Rights (J&K) and the People’s Union for Democratic Rights (PDHR) discuss this case at length in a recent report (2007).

⁶The fact that armed forces sometimes do stage or “fake” encounters highlights the demands of perpetuating a national security threat as a way to justify the continuation of the special powers act (Duschinski in press).

⁷The anthropological literature is rich with compelling ethnographic accounts of the ways in which intensive militarization produces fear and anxiety in local communities—for example, see Linda Green (1999) on “fear as a way of life” in rural Guatemala, and Monique Skidmore (2004) on the politics of psychology of fear in urban Burma.

⁸Gyan Pandey (2006:103-128) offers a distinction between “unmarked” citizens—the real, obvious, axiomatically natural citizens—and “marked” citizens—those hyphenated minority communities who are not “quite” natural and who do not “quite” belong. Marked communities, he writes, live “under the sign of a question mark,” and they are subjected to constant test of loyalty that are not demanded from real and natural citizens. He describes the historical conditions that have established this question mark for Muslim minority communities in India. He also notes that Brackette Williams (1989) makes the same point for ethnicity: “Within putatively homogeneous nation-states, this border [of the nation-state] is an ideologically produced boundary between ‘mainstream’ and peripheral categorical units of this kind of ‘imagined’ social order” (quoted in Pandey 2006:208).

⁹The National Human Rights Commission Guidelines on Encounter Killings requires such inquiries.

¹⁰In a recent report sponsored by the South Asia Forum for Human Rights (SAFHR), Ashok Agrwaal traces patterns of impunity through his examination of the way in which the justice system has dealt with the huge number of habeas corpus petitions of alleged enforced disappearance filed before the Srinagar Bench of the Jammu and Kashmir High Court between 1990 and 2000. In addition, the Public Commission on Human Rights (PCHR) and the People’s Union for Democratic Rights (PUDR) state in a recent report that “it is believed that more than 300 cases were sent to the Indian government by the state in which police investigation had resulted in indictment of the armed forces personnel. Whatever be the exact number of such cases the point is that in not a single case has the sanction been given so far” (2007:2). See also Human Rights Watch 2008.

¹¹The PCHR and the PUDR provide a critical analysis of this recent Supreme Court case, with special attention to how “the Masooda Parveen judgment raises such impunity, in form of precedent, to the level of written law” (2007:18).

REFERENCES

- Agamben, Giorgio. 2005. *State of Exception*. Kevin Attell, trans. Chicago: University of Chicago Press.
- Agrwaal, Ashok. 2009. *In Search of Vanished Blood: The Writ of Habeas Corpus in Jammu and Kashmir 1990-2004*. Published by South Asia Forum for Human Rights. Kathmandu: 17. Accessed from kashmirbarassociation.com on May 26, 2009.
- Akoijam, A. Bimol. 2005. “Act of Terror: The ‘Embedded Disorder’ of the AFSPA.” In Sarai Media Collective, ed. *Bare Acts: Sarai Reader 05*, pp. 481-491. New Delhi: Sarai.
- Aretxaga, Begonia. 1997. *Shattering Silence: Women, Nationalism, and Political Subjectivity in Northern Ireland*. Princeton: Princeton University Press.
- Behera, Navnita Chadha. 2000. *State, Identity, and Violence: Jammu, Kashmir, and Ladakh*. New Delhi: Manohar Publications.
- Bidwai, Praful. 2005. “Fuelling the Arms Race.” *The News International*, March 16.
- Bidwai, Praful. 2008 “Military Overdrive.” *Frontline*, March 29-April 11.
- Biehl, Joao. 2005. *Vita: Life in a Zone of Social Abandonment*. Berkeley: University of California Press.
- Bose, Sumantra. 2003. *Kashmir: Roots of Conflict, Paths to Peace*. New Delhi: Vistaar Publications.
- Bourgois, Philippe. 2002. *In Search of Respect: Selling Crack in El Barrio*. Cambridge: Cambridge University Press.

- Chatterji, Angana. 2004. "The Biopolitics of Hindu Nationalism." *Cultural Dynamics* 16(2/3):319-372.
- Comaroff, Jean, and John L. Comaroff, eds. 2006. *Law and Disorder in the Postcolony*. Chicago: University of Chicago Press.
- Das, Veena, and Deborah Poole, eds. 2004. *Anthropology in the Margins of the State*. Santa Fe: SAR Press.
- Duschinski, Haley. In press. "Reproducing regimes of Impunity: Fake Encounters and the Informalization of Everyday Violence in Kashmir Valley." *Cultural Studies*.
- Feldman, Allen. 2005. "On the Actuarial Gaze: From 9/11 to Abu Ghraib." *Cultural Studies* 19 (2):203-26.
- Geyer, Michael. 1989. "The Militarization of Europe, 1914-1945." In John Gillis, ed. *The Militarization of the Western World*, pp. 65-102. New Brunswick, NJ: Rutgers University Press.
- Ghosh, Amitav. 2005. *Incendiary Circumstances: A Chronicle of the Turmoil of Our Times*. Boston: Houghton Mifflin.
- Gordon, Avery. 2006. "Abu Ghraib: Imprisonment and the War on Terror." *Race & Class* 48(1):42-59.
- Green, Linda. 1999. *Fear as a Way of Life: Mayan Widows in Rural Guatemala*. New York: Columbia University Press.
- Gusterson, Hugh. 2007. "Anthropology and Militarism." *Annual Review of Anthropology* 36:155-75.
- Hansen, Thomas Blom. 1999. *The Saffron Wave: Hindu Nationalism and Democracy in Modern India*. Princeton: Princeton University Press.
- Hicks, Neil. 2005. "The Impact of Counter Terror on the Promotion and Protection of Human Rights: A Global Perspective." In Richard Ashby Wilson, ed. *Human Rights in the 'War on Terror'*, pp. 209-224. New York: Cambridge University Press.
- Human Rights Watch. 2008. *Getting Away with Murder: 50 Years of the Armed Forces (Special Powers) Act*. New York: 1. Accessed from www.hrw.org/background/2008/india0808/ on November 11, 2008.
- _____. 2006. *Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir*. New York: 18(11). Accessed from www.hrw.org/reports/2006/india0906/ on November 11, 2008.
- Jagmohan. 1991. *My Frozen Turbulence in Kashmir*. New Delhi: Allied Publishers.
- Joseph, Teresa. 2000. "Kashmir, Human Rights, and the Indian Press." *Contemporary South Asia* 9(1):41-55.
- Kaldor, Mary. 2001. "Beyond Militarism, Arms Races and Arms Control." Prepared for the Nobel Peace Prize Centennial Symposium, December 6-8, 2001. Accessed from www.ssrc.org/sept11/essays/kaldor.htm on November 11, 2008.
- Kelly, Tobias. 2006. "Documented Lives: Fear and the Uncertainties of Law during the Second Palestinian Intifada." *Journal of the Royal Anthropological Institute* 12(1):89-107.
- Lutz, Catherine. 2002. "Making War at Home in the United States: Militarization and the Current Crisis." *American Anthropologist* 104(3):723-35.
- _____. 2001. *Homefront: A Military City and the American Twentieth Century*. Boston: Beacon Press.

- Lutz, Catherine, and Donald Nonini. 2000. "The Economies of Violence and the Violence of Economies." In Henrietta L. Moore, ed. *Anthropological Theory Today*, pp. 73-113. Boston: Polity Press.
- Mathur, Shubh. 2008. *The Everyday Life of Hindu Nationalism: An Ethnographic Account*. Gurgaon, India: Three Essays Collective.
- Mbembe, Achille. 2003. "Necropolitics." *Public Culture* 15(1):11-40.
- Nagengast, Carol. 2002. "Inoculations of Evil in the U.S.-Mexican Border Region: Reflections on the Genocidal Potential of Symbolic Violence." In Alexander Laban Hinton, ed. *Annihilating Difference: The Anthropology of Genocide*, pp. 325-347. Berkeley: University of California Press.
- Nordstrom, Carolyn. 2004. *Shadows of War: Violence, Power, and International Profiteering in the Twenty-First Century*. Berkeley: University of California Press.
- Pandey, Gyan. 2006. *Routine Violence: Nations, Fragments, Histories*. Palo Alto: Stanford University Press.
- Public Commission on Human Rights (PCHR) and People's Union for Democratic Rights (PUDR). 2007. *Missing in Action: A Report on the Judiciary, Justice, and Army Impunity in Kashmir*. Delhi: People's Union for Democratic Rights.
- Poole, Deborah. 2004. "Between Threat and Guarantee: Justice and Community in the Margins of the Peruvian State." In Veena Das and Deborah Poole, eds. *Anthropology in the Margins of the State*, pp. 35-65. Santa Fe: SAR Press.
- Said, Edward W. 2001. "The Public Role of Writers and Intellectuals." *The Nation*, September 17/24.
- Sanford, Victoria. 2003. "The Grey Zone of Justice: NGOs and Rule of Law in Postwar Guatemala." *Journal of Human Rights* 2(3):393-405.
- Scheper-Hughes, Nancy. 2008. "Whose Violence? Death in America - A California Triptych." *Social Anthropology* 16(1):77-89.
- _____. 2002. "Coming to Our Senses: Anthropology and Genocide." In Alexander Laban Hinton, ed. *Annihilating Difference: The Anthropology of Genocide*, pp. 348-381. Berkeley: University of California Press.
- Skidmore, Monique. 2004. *Karaoke Fascism: Burma and the Politics of Fear*. Philadelphia: University of Pennsylvania Press.
- Stephen, Lynn. 2000. "The Construction of Indigenous Suspects: Militarization and the Gendered and Ethnic Dynamics of Human Rights Abuses in Southern Mexico." *American Ethnologist* 26(4):822-42.
- Suresh, Mayur. 2007. "Dead Man Walking: Sovereignty and the Supreme Court in the Age of Terror." In Sarai Media Collective, ed. *Frontiers: Sarai Reader 07*, pp. 121-33. New Delhi: Sarai.
- Varshney, Ashutosh. 1991. "India, Pakistan, and Kashmir: Antinomies of Nationalism." *Asia Survey* 31(11):997-1019.
- Wacquant, Loic. 2008. "The Militarization of Urban Marginality: Lessons from the Brazilian Metropolis." *International Political Sociology* 2(1):56-74.
- Williams, Brackette F. 1989. "A Class Act: Anthropology and the Race to Nation across Ethnic Terrain." *Annual Review of Anthropology* 18:401-44

Copyright of Anthropological Quarterly is the property of George Washington Institute for Ethnographic Research and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.